Complaints/suggestions from members of the public and organizations are *received* from time to time regarding alleged violations of the Advertising Code. The Central Government has constituted an Inter-Ministerial Committee under Section 20 of the Act to look into violations of the Advertising Code. The Committee comprises officers from Ministries of Information & Broadcasting, Law, Women & Child Development and Health and a representative from the Advertising Standards Council of India. Cognizance of such violations of Advertising Code is also taken *suo moto* by the Committee.

Show cause notices are issued in the first instance to TV channels telecasting objectionable advertising in violation of Advertising Code. 13 TV channels have been directed in July, 2003 not to telecast some advertisements which were found to be in violation of the Advertising Code. This is a continuing process.

Capitation fee in medical colleges

*210. SHRI AMAR SINGH:
SHRI ABU ASIM AZMI:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that certain Medical Colleges in Maharashtra, Karnataka and Tamil Nadu have been charging very high capitation fee from the students seeking admission;

(b) if so, whether Government have made any enquiry to ascertain the factual position in this regard; and

(c) the action Government have taken against the management of such Medical Colleges for violation of Supreme Court judgement in this regard?

THE MINISTER OF HEALTH AND FAMILY WELFARE AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRIMATI SUSHMA SWARAJ): (a) to (c) According to information received from the Governments of Maharashtra, Karnataka and Tamil Nadu, there has been no specific complaint of charging capitation fee from the

students seeking admission in the medical colleges of these States. However, there has been a news item in a section of the press regarding charging of high fees by one of the private medical colleges in the State of Maharashtra. The Government of Maharashtra has informed that the concerned college has explained before an Enquiry Committee constituted by it that the fee quoted in the newspaper in respect of that Institution was for the entire duration of the MBBS course.

In accordance with the judgement dated 31st October, 2002 delivered by a Constitution Bench of the Hon'ble Supreme Court in the T.M.A. Pai Foundation & Ors. *Vs.* State of Karnataka & Ors., the Central Government have issued broad policy guidelines on 14.5.2003 to the State Governments and the Universities in the matter of admission and charging of fee by the private unaided medical and dental institutions. These guidelines, *inte ralia,* provide for constitution of a Standing Committee at the State level to determine the reasonableness of the fee proposed to be charged by each institution and to approve the same so as to prevent overcharging and profiteering. The said committee shall also enquire into any complaint of charging capitation fee or profiteering by any institution and make appropriate recommendation to the State Government for necessary action.

As per information available with the Government, some of the.State Governments, including Maharashtra, Karnataka and Tamil Nadu, have already constituted Committees to regulate/ approve the fees fixed by the private medical colleges in the light the constitution bench judgement dated 31.10.2002 so as to prevent over-charging or charging of capitation fee by the Institution.

The validity of the guidelines dated 14.5.2003 issued by the Central Government and also the regulations framed by some of the State Governments *vis-a-vis* the judgement dated 31.10.2002 of the Hon'ble Supreme Court have been challenged by various private medical colleges. All such matters were clubbed together and were recently heard by a five judge constitution bench of the Hon'ble Supreme Court. The judgement is awaited.